

Chevy Chase Village Board of Managers' Meeting

November 9, 2015

Note: These minutes reflect the Board's actions only, and do not include remarks made by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance.

BOARD OF MANAGERS

Michael L. Denger, Chair	Present
Elissa A. Leonard, Vice Chair	Present
Richard M. Ruda, Secretary	Present
David L. Winstead, Assistant Secretary	Absent
Gary Crockett, Treasurer	Present
Robert C. Goodwin, Jr., Assistant Treasurer	Present
Minh Le, Board Member	Present

STAFF

Shana R. Davis-Cook, Village Manager	Present
John Fitzgerald, Police Chief	Present
Michael Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting & Code Enforcement Coordinator	Present
Melissa Wiak, Community Liaison/Administrative Assistant	Present

COUNSEL

Suellen M. Ferguson, Village Counsel	Present
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Mr. Denger, Chair of the Board of Managers, called the meeting to order at 7:36 p.m.

Mr. Denger stated that the Village Board had met in closed session prior to the regular meeting pursuant to Section 10-508(a)(4), (7) and (14) of the General Provisions Article, Annotated Code of Maryland, to discuss pending negotiations under a proposed franchise agreement with Comcast and a Memorandum of Understanding with Montgomery County for administration of the franchise agreement. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin and Ms. Le were in attendance along with Ms. Davis-Cook, Mr. Younes, and Ms. Ferguson.

Approval of Minutes from the Board's Regular Meeting held on October 12, 2015

Minutes of the Board's regular meeting held on October 12, 2015 were circulated to the Board prior to the meeting.

Mr. Crockett moved to approve the minutes of the Board of Managers' regular monthly meeting held on October 12, 2015, as drafted. Ms. Leonard seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

Approval of Minutes from the Board's Executive Session held on October 12, 2015

Minutes of the Board's executive session held on October 12, 2015 were circulated to the Board prior to the meeting. Mr. Crockett presented the following amendment to the draft minutes:

- Adjournment motion: The draft stated that the motion to adjourn was moved and seconded by Ms. Leonard. Change that the motion was seconded by "Ms. Leonard" to Mr. Crockett¹.

Ms. Le moved to approve the minutes of the Board of Managers' executive session held on October 12, 2015 as amended. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

Consent Agenda—Tree Ordinance Board Consent Agreement:

A-2203 (Tree Removal Appeal): Mr. Roland Miller and Ms. Sarah Brodsky Miller, 105 Primrose Street: Removal of one twenty-four (24) inch diameter Sycamore tree located in the rear yard of the property to accommodate a proposed addition.

No Board Members requested removal of Case A-2203 from the Consent Agenda. The Consent Agreement was deemed approved.

Variance Requests:

A-6243 (a) & (b): Mr. Jeffrey Selingo and Ms. Heather A. Selingo Salko, 205 Primrose Street: Construct:

- a) An expanded front stoop. The proposed front stoop and step would measure a maximum of twenty-two feet, four inches (22'-4") in width. The proposed stoop would encroach no farther forward of the twenty-five (25) foot front (Primrose Street) building restriction line than the maximum encroachment of the existing stoop (eight and one-quarter (8 ¼) inches), but the overall width of the proposed stoop would increase by fourteen (14) feet; and
- b) A new portico over an expanded front stoop. The proposed portico would encroach a maximum of one foot, one and one-quarter inches (1'-1 ¼") forward of the twenty-five (25) foot front (Primrose Street) building restriction line.

Mr. Selingo was in attendance and requested that the matter be continued to allow him to work with his architect to revise the proposed design to conform with the Village's "Legislative Policy to exclude certain front steps, stoops and associated porticos from the definition of "structure" for the purposes of the covenant compliance as required by Section 8-9(c)(3) of the Village Code for variance requests".

¹ Subsequently, staff determined that Ms. Le had moved to adjourn, seconded by Ms. Leonard. The minutes were amended accordingly.

A-6842: Mr. David A. and Ms. Andrea N. Kirsch, 6400 Brookville Road: Install a freestanding basketball hoop which would encroach a maximum of two (2) feet into the seven (7) foot side (north) yard setback.

Ms. Le moved to approve the variance request in Case A-6842 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the variance have been met. Staff is directed to draft a decision based on the evidence, including findings of fact and conclusions approving the variance request. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

Treasurer's Report

The Treasurer's Report was distributed to the Board and posted to the Village website prior to the meeting. *No formal action was taken by the Board.*

Matters Presented for Board Discussion and Possible Action (where required)

Resolution No. 10-01-15: A Resolution to Repeal the Chevy Chase Village Charter in its Entirety and Adopt a New Charter. The proposed Resolution and amendments to the Village Charter were circulated to Board Members and posted to the Village website prior to the meeting.

Mr. Goodwin moved to approve Resolution No. 10-01-15, as drafted. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

Later in the meeting, the Board discussed the following topics which had been forwarded for consideration by the Charter Review Committee:

- Changing the name of the governing body from "Board of Managers" to "Village Council"
- Voter-Initiated Referenda (non-Charter amendment referenda) and Official Recall of Elected Officials

Discussion followed. The Board requested that Counsel research and provide for Board review information regarding existing voter-initiated referenda policies in other Maryland municipalities.

No formal action was taken by the Board.

Project Agreement: Stormwater Management Project in the Oxford Street Public Right-of-Way

A draft agreement was circulated to the Board and posted to the Village website prior to the meeting.

Mr. Crockett moved to authorize the Village Manager to enter into an agreement in substantially the form provided, with 9 Oxford Street, LLC for the Stormwater Management Project in the Oxford Street Public Right-of-Way, pursuant to the information provided by staff and contingent

upon final review and approval by Counsel of the final contract term. Ms. Leonard seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

Contract Authorization Requests:

- **Holiday Party Caterer: Provisions (Catering), Ltd.**

A staff report including the draft Contract for Services was circulated to the Board and posted to the Village website prior to the meeting.

Mr. Crockett moved to authorize the Village Manager to enter into a contract with Provisions, Ltd. for a buffet-style dinner in the amount of \$10,500.00 for the Chevy Chase Village Annual Holiday Party to be held on December 16, 2015. Ms. Le seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

- **Admin. Copier Lease Agreement: Konica Minolta Business Solutions USA, Inc.**

A staff report including the draft contract was circulated to the Board and posted to the Village website prior to the meeting.

Ms. Le moved to authorize the Village Manager to enter into an agreement, in substantially the form provided, with Konica Minolta Business Solutions, U.S.A. for the lease and maintenance of a new bizhub c554e multi-function copy machine. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

- **Accounting System Upgrade Management: Intellitec Solutions, LLC**

A staff report including a proposal from Intellitec Solutions, LLC was circulated to the Board and posted to the Village website prior to the meeting.

Mr. Goodwin moved to authorize the Village Manager to proceed with the accounting system update and to sign the "Statement of Services" to allow Intellitec Solutions, LLC to execute the update process. Ms. Leonard seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

Resolution No. 11-01-15: FY2016 Budget Amendment (No. 2): An Ordinance to amend the Fiscal Year 2016 Budget to increase expenditures and to transfer \$6,650 from General Fund Reserves to the "General Government, Operations" category due to required accounting system software upgrades; and to transfer \$6,500 from General Fund Reserves to the "Capital Projects, Sidewalk Maintenance" line item to reflect sidewalk restoration costs associated with a stormwater management project in the Oxford Street Public Right-of-Way.

Mr. Denger moved to approve Resolution No. 11-01-15, as drafted. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

Committee Matters
Personnel Commission

- Reappoint Gregory Ossi (Primrose Street) as a member, term ending September 2018.

Mr. Ruda moved to reappoint Gregory Ossi (Primrose Street) as a member, term ending September 2018. Ms. Leonard seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

Police Report

The Police Report was distributed to the Board and posted to the Village website prior to the meeting. Discussion followed. *No formal action was taken by the Board.*

Manager's Report

The Manager's Report was circulated to the Board prior to the meeting.

- Holiday Monetary Gift: Giant Food grocery store gift cards

Mr. Crockett moved to approve the purchase of Giant Food gift cards at a face value of \$100 per card as a holiday season gift from the Board of Managers to each of the Village's twenty-eight permanent employees and two temporary leaf collection laborers. Ms. Le seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed.

Adjournment

Mr. Goodwin moved to adjourn the meeting. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Le voted in favor of the motion. The motion passed. The meeting adjourned at 9:26 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.